

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

March 20, 2015

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII, ON FRIDAY, MARCH 20, 2015, BEGINNING AT 9:03 A.M., WITH VICE-CHAIR DONALD S. GUZMAN PRESIDING.

VICE-CHAIR GUZMAN: The time is 9:03. The regular meeting shall come to order. Welcome to, everyone to the Maui Council regular Council meeting of March 20, 2015.

Mr. Clerk.

ROLL CALL

PRESENT: COUNCILMEMBERS GLADYS C. BAISA, ROBERT CARROLL, ELEANORA COCHRAN, S. STACY CRIVELLO, MICHAEL P. VICTORINO, AND VICE-CHAIR DONALD S. GUZMAN.

EXCUSED: COUNCILMEMBERS DONALD G. COUCH JR., G. RIKI HOKAMA, AND CHAIR MICHAEL B. WHITE.

COUNTY CLERK DENNIS A. MATEO: Mr. Chair, we have six Members present, three excused; a quorum is present to conduct the business of the Council.

VICE-CHAIR GUZMAN: Thank you very much.

Members, we have the great honor to receive the opening statement from Councilmember Elle Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair, for this opportunity.

OPENING REMARKS

The opening remarks were offered by Councilmember Eleanora Cochran.

VICE-CHAIR GUZMAN: Thank you very much. What a great opening statement.

Members and the audience, can you please stand with me as we recite the Pledge of Allegiance.

PLEDGE OF ALLEGIANCE

The Members of the Council, and others in attendance, rose and recited the Pledge of Allegiance.

VICE-CHAIR GUZMAN: Thank you. Before we proceed may I remind everyone if you have a cellphone, please place it in silence mode.

Mr. Clerk.

COUNTY CLERK: Mr. Chairman, proceeding with ceremonial resolutions.

CEREMONIAL RESOLUTIONS

RESOLUTION
NO. 15-26

CONGRATULATING MAUI CHEER ALLSTARS
FOR WINNING THE 2015 NATIONAL TITLE AT
THE AMERICAN MASTERPIECE CHEER
NATIONAL CHAMPIONSHIPS

VICE-CHAIR GUZMAN: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

I MOVE THAT THE PROPOSED RESOLUTION
"CONGRATULATING MAUI CHEER ALLSTARS FOR
WINNING THE 2015 NATIONAL TITLE AT THE AMERICAN
MASTERPIECE CHEER NATIONAL CHAMPIONSHIPS", BE
ADOPTED.

COUNCILMEMBER VICTORINO:

SECOND, MR. CHAIR.

VICE-CHAIR GUZMAN: A motion by Ms. Cochran, seconded by Mr. Victorino.

Any discussion?

COUNCILMEMBER COCHRAN: Chair, may I request to have the, the Clerk read the
resolution in its entirety please?

VICE-CHAIR GUZMAN: Mr. Clerk.

(The resolution was read in its entirety.)

VICE-CHAIR GUZMAN: Thank you.

Any further discussion?

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And, thank you again for this
opportunity. And, I just want to say it's been said in the resolution very succinctly
and, and perfectly.

But, definitely reiterating that this not only brings pride to Lahaina, West Maui, but
also to this entire County as a whole. And, you know, added congratulations to the
team, the coaches, but especially the families, the ohanas that stand there to support
the, the children and everyone to, you know, bring them to their practices and what
have you; everyone's busy in their lives.

But, everything together has accomplished this. And, a huge congratulations for all their efforts. And, to, looking forward to seeing it carry on as they grow into fine adults in our community to be leaders there too. So, thank you very much for this opportunity, Chair.

VICE-CHAIR GUZMAN: Thank you.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you. And, I want to also echo the same sentiments as my colleague. And add to that that every time Maui sends participants to many of these functions, your daughter and others, and they come home with these championships, it speaks volumes of this County, the families that live within this County, and the support that's there, the mechanism for fundraising.

Cause, none of these things are cheap. And it costs a lot of money, a lot of effort, a lot of, a lot of bake sales, a lot of plate lunches, right guys? You know, a lot of everything just to get these young ladies up there, young ladies and men.

And, so, you know, I want to put my hats off to the supporters; family, aunties, uncles, grandmas, grandpas, everybody, friends. And, what, and one thing I can say about West Maui, when it comes to any kind of team going anywhere, just like the West Maui, the Lahainaluna wrestling teams that won the boys and girls championship, the you, the community unites. And, that's one of the real tributes to the West Side, to Lahaina, cause they will unite and do anything. Like our little districts like Molokai and Lanai, they do the same thing. Sometime the Central district, cause we're so big, we don't have that same unity. Not that we don't care, it's a little different ambience.

So, I want to congratulate them one, one more time and say good work. And, like, like my colleague said, hopefully in the future, we will see your name there year in and year out. Thank you.

VICE-CHAIR GUZMAN: Thank you. Any further comments?

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. I'd just like to say we're very proud of them. And, awards like this don't just happen. They do, they don't just drop from the sky, but from hard work, dedication, different people working together to make sure that they had the opportunity to obtaining the honors that they're receiving and we're very proud of them. Thank you.

VICE-CHAIR GUZMAN: Thank you.

Ms. Baisa.

COUNCILMEMBER BAISA: Thank you very much, Mr. Chair. I would like to add my congratulations to this outstanding group bringing home another Maui honor. I especially want to thank the people that do the hard work, the coaches, all those that do the fundraising and, you know, take care of all the logistics that are involved in doing something like this.

You know, without this support and this volunteerism, these things wouldn't happen. But, Maui apparently has amazing people who continue to give, and give, and give. So, I want to congratulate the winners, but I also want to congratulate the team behind them and thank them very, very much for helping our team win. You bring honor to Maui again. Thank you.

VICE-CHAIR GUZMAN: Thank you.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. I too would like to ditto all the cheers. And, and, thank you to the coaches and the families for supporting our young, our young ladies, and, and the start of what is hard work to accomplish what they have accomplished. So, congratulations.

VICE-CHAIR GUZMAN: Thank you. Any further comments?

I will conclude with the Chair's comment. I would like to congratulate Maui Cheer for coming home with a national championship. This must be the year of Lahaina.

So, I would also like to say thank you very much for the parents in supporting their children. It's a lot of hard work, but I know that it's something that is well worth it. This time in their life when things are learned naturally, this is something, this win, this positive attitude, will carry on throughout their life. And, it's a memory that they'll draw on in, in any obstacle or challenge that they face. So, I congratulate the parents for being such supporters of their children. And, girls, good job. Go Maui Cheer. Aloha.

Any further discussion? Seeing none, there's a motion on the floor to adopt the resolution "CONGRATULATING THE MAUI CHEER ALLSTARS FOR WINNING

THE 2015 NATIONAL TITLE AT THE AMERICAN MASTERPIECE CHEER NATIONAL CHAMPIONSHIPS". All those in favor say "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, CRIVELLO, VICTORINO, AND
VICE-CHAIR GUZMAN.

VICE-CHAIR GUZMAN: All those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS COUCH, HOKAMA, AND
CHAIR WHITE.

VICE-CHAIR GUZMAN: There are six "ayes", no "noes", and three "excused"; motion carries.

COUNCILMEMBER COCHRAN: Thank you.

VICE-CHAIR GUZMAN: Thank you.

Mr. Clerk.

COUNCILMEMBER COCHRAN: Chair. Chair.

VICE-CHAIR GUZMAN: Oh, yes, I, I apologize.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Chair with, Chair with your permission, may I, I'd like to call up the coaches to come up to the podium, and everyone to receive their leis and resolution, congratulations from us.

VICE-CHAIR GUZMAN: Yes. Thank you. Can we have the coaches and the, the girls come down?

COUNCILMEMBER COCHRAN: Thank you, Chair. And, it is again with honor and pride to give this resolution to, is it for yourself? Okay, here you go. And, if you folks would like to say a few words, the coaches or however. Okay, thank you very much.

COUNCILMEMBER VICTORINO: What happened to the leis first?

COUNCILMEMBER COCHRAN: And, oh okay. Let's, well, yea receive all your congratulatory leis.

VICE-CHAIR GUZMAN: Okay. Ms. Cochran, can you introduce?

COUNCILMEMBER COCHRAN: Aloha, and this is Coach Stacey Baraoidan. And, so she'll be sharing a few words. Thank you so much for all your hard work.

MS. STACEY BARAOIDAN: First of all, thank you so much. Mahalo, County Councilmembers. We're really appreciative of this recognition today. It is something that, it pays a testament to the dedication of the team members, all their hard work, many hours of practice, and just becoming good citizens of this community. You know, they learn discipline, to be healthy, to take care of one another, to always look out for each other. Something that's lacking a lot nowadays and you're just really appreciative when you can see them in this, these children. Cause, they'll grow up and they'll be young responsible adults, and that's all we can hope for.

So, on behalf of Maui Cheer Allstars, the team, and of course our wonderful parents cause we are so grateful for you, this year and the years in the past. Didi, thank you for making this happen for us, Councilman Guzman. On behalf of all of us, mahalo and have a good session. Thank you.

VICE-CHAIR GUZMAN: Thank you. Congratulations again.

COUNCILMEMBER BAISA: Good job.

VICE-CHAIR GUZMAN: Mr. Clerk.

RESOLUTION
NO. 15-26

EXTENDING CONDOLENCES TO THE FAMILY OF
THE LATE STATE REPRESENTATIVE
MELE CARROLL

VICE-CHAIR GUZMAN: Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair.

ON BEHALF OF CHAIR WHITE AND THE OTHER MEMBERS,
I MOVE TO ADOPT THE PROPOSED RESOLUTION

ENTITLED "EXTENDING CONDOLENCES TO THE FAMILY
OF THE LATE STATE REPRESENTATIVE MELE CARROLL".

COUNCILMEMBER BAISA:

MR. CHAIR, I SECOND THE MOTION.

VICE-CHAIR GUZMAN: Thank you. Motion's been by Mr. Carroll, seconded by Ms. Baisa.

Further discussion?

COUNCILMEMBER CARROLL: Chair, I would ask the, if the Clerk could read the resolution in its entirety?

VICE-CHAIR GUZMAN: Mr. Clerk.

(The resolution was read in its entirety.)

VICE-CHAIR GUZMAN: Further discussion?

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. About five years ago, oh time flies, five or six years ago, me and Mele and several other representatives were having a discussion up in, in the foyer of the State Capitol. And, two of the other members, they were complaining about this and that, and oh boy is hard headed, and ah the public testimony and this. And, Mele went and said, you know, we're really so lucky that we have a chance to do good things for people. And, they shut up cause it made them feel really small. But, that is the heart of it and that is what was in her heart.

She had the opportunity and she looked for the opportunity, and she had the opportunity to help people to try to make things better for people. And, that's why we're all here, every one of us. She was a great example of what we should be. To lose that focus, like those other people that were complaining over there when she made that comment, it doesn't let you be all you can be and it doesn't allow you to truly help people.

There was a lot read in the resolution and I won't repeat it. But to me, the bottom line is Mele had heart. Her heart was good, her heart was true. And, up until her last breath, I know that she thought of others. And, I am very fortunate to have known her. I'm very fortunate to work with her when she was working for our Mayor. We

worked on several big projects, and it was always a pleasure to do that. And, she, we'll miss her terribly. Thank you, Chair.

VICE-CHAIR GUZMAN: Thank you, Mr. Carroll. Any further discussion from the Members?

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. You know, for even before she became our State Representative, she always extended her, herself to our district, the island of Molokai. And, and she did it with her most beautiful smile. And that, that is like what enhances what's in her heart.

But, I have to say that as a State Legislator, she surely, as it says in the resolution, had the mastery of listening. To me, she carried Dalai Lama's messages; "When you talk, you are repeating what you already know. But if you listen, you may learn something new." And that, that was Mele Carroll.

And, you know, as, when I got in as the County Council for our district, we, we sat down and, and prayed and talked, and she says why don't we think of something that we can do for our island of Molokai. And, I have to say this is, was like her, the last session, she came up, she and I talked about, you know, our County gym, Kaunakakai is nearly a hundred years old. And, I, we talked and said we need a complex where it can also be an emergency shelter for the central and east district families.

And, you know, as the session ended last, last session, I got a call from her and she says, this is going to happen. I was able to pass through monies and it passed through appropriations so we can start the planning and designing. So, she said you go look for the land. And, I'm still trying to get that. But that was her follow through and, and she did not need too much explanation on why we needed it or what; she said let's dream big and, and let's work it from there.

So, I feel she will truly be my angel with wings as, as I continue to do the work and, and try to remember her art of listening and always being open to, to hear what others have to say. So, to the family, to Warren and, and to all of her, her ohana, mahalo, mahalo for sharing this beautiful person with all of us throughout Maui County and Maui Nui.

VICE-CHAIR GUZMAN: Thank you. Any further discussion?

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And, yea, I want to reiterate that second to the last whereas, that Ms. Crivello spoke towards which states her embodiment of the aloha spirit and her mastery in the art of listening, and mentorship, mentoring others. And, I feel very honored and privileged to have been one of those people that she has touched.

Prior to getting here, she was a, a Representative that I felt, you know, a common ground with. And so reached out to her to get her mana`o in sharing of what it's like, not only as a female but to be in politics and all that. And she said, you know, why don't you shadow me and follow and, and having meetings here. And so, she guided me and it was about listening.

She goes, you know, you don't need to know everything. You don't need to understand exactly what the issue is, you know, as detailed as the person who you're going to be having a meeting with. But hear them out, they're going to enlighten you and they're going to educate you on what their concern is. And, from there you can take it to the level, you know, that you can address it and hopefully come up with a solution to, to address.

But, you know, at her, at her celebration of life, it was moving to hear, and I saw Ms. Crivello there, her executive or Chief of Staff, I guess, there, called, Soana Tupua who mentioned that Mele thought ahead and Mele thought of people, not just herself. And, it was two days after her passing that the office had received flowers, and fruit basket, and gifts. And they just, the staff assumed it was for the family of her, you know, because people were coming by and sharing their condolences.

But, it was actually for them written, a handwritten note by Mele to her staff. And, this is two days after her passing. So, I mean, I just can imagine the emotions and everything that came up just restating how she always thought of others well before herself and even in her passing. You know, it showed through. So, that was so moving to me. But, I thought I'd share that. Thank you, Chair.

VICE-CHAIR GUZMAN: Thank you, Ms. Cochran.

Ms. Baisa.

COUNCILMEMBER BAISA: Thank you, Chair. And, thank you for the opportunity to say a few words. You know, much has been said about Mele. She is somebody that made a huge impact on a lot of people in her short lifetime. You know, she was only 50 years old. And, for somebody to leave us at age 50, we all know is a really hard thing because she was still young and had so much ahead of her.

But, you know, when I use to go to the Capitol or when I'd have to, not have to, but I had the opportunity to sit with her, it was always pleasant. I never was concerned about how the, the conversation would go because we always felt comfortable. And, you know, everybody has remarked on this. She had this sweet spirit; it was always positive, it was always friendly. She never showed any kind of irritation or anger or whatever, you know, people we get impatient sometimes. But, she never, never showed that.

And, for me, you know, I wish that that's the way we would all learn to do politics here in Hawaii; you know, to be respectful, to be kind, to be patient. And, I wish we could have bottled that because it is rare. And, I think that's why it's noticed by everyone over, and over, and over again, this art of listening and this aloha. She just exuded that.

And, so you know, she was young, she made a great impact, she's gone. And of, to her family, I want to say I, I understand your loss and I feel really bad for you, but treasure the beautiful memories that you have; they're wonderful memories. And, she's resting in peace. And we know that wherever Mele is, she's looking down on us and saying, come on continue the good work that I started. So, aloha to Mele and I hope she rests in peace.

VICE-CHAIR GUZMAN: Thank you, Ms. Baisa.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Chair. And, I concur with my colleagues. But, I'd like to change the, the attention to one of her major passions, and that was the interest and welfare for abused and troubled children. This is a lady that really had a focus in that area, along with the Hawaiiana and all the other issues. But, that was one of her passions.

And, it was later in life she actually adopted a child. And, I knew Mele was so happy. Cause when I had stopped by the Capitol to see her, she was so excited about that. She was so excited about the family. And, I know Warren and Angel are here today, and Mele, in spirit is saying please, please continue my good work in that respect.

There's so many other areas. And, I want to also mention that she was one of the first to come out and be the President of the Maui AIDS Foundation, when back in the day that wasn't really one of the more popular things to do. But, I really, really know this lady had a great heart. So, whenever I was at the Capitol, at the ILWU functions, I don't care where, she always had a great smile, a big hug, and a wonderful kiss to say aloha. And, she meant it.

And, from my family to Warren, Angel and the rest of the family, the Soares's, and the Carroll's, mahalo for sharing her with us. God bless her. She's in peace now. And, like Ms. Crivello said, she's an angel, next to us, tapping us on the shoulder, reminding us what we need to do to make this community a better place; not just Molokai, Hana, Lanai, but the entire community of Maui County. But, she always thought of others. Thank you, Mr. Chair.

VICE-CHAIR GUZMAN: Thank you. Any further discussion?

I shall conclude and echo the comments of our Members. Our deepest sympathy goes to the family and the children; Warren and Angel. She, Mele, will truly be missed.

She was a light at the end of the tunnel. She had the passion to fight for the people with a kind heart and a soft voice. She has touched so many lives including the representation that is here today on the floor. She serves as a, a legacy for us to do good work.

And so, for that, we humbly thank you for sharing her life with us, and for the community in hopes that all of our prayers are with you and family. Thank you very much and God bless you.

Mr., Mr. Clerk, I will now call on the, call of the question. There is a motion on the floor to adopt the resolution "EXTENDING CONDOLENCES TO THE FAMILY OF THE LATE STATE REPRESENTATIVE MELE CARROLL". All those in favor say "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, CRIVELLO, VICTORINO, AND
VICE-CHAIR GUZMAN.

VICE-CHAIR GUZMAN: All those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS COUCH, HOKAMA, AND
CHAIR WHITE.

VICE-CHAIR GUZMAN: No "noes", six "ayes"; motion carries; three "excused".

Mr. Clerk.

COUNTY CLERK: Mr. Chair.

Mr. Carroll.

VICE-CHAIR GUZMAN: Oh, excuse me. Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. With your, with your permission, I'd like to call down Mele's husband, Warren, and her sister-in-law, Jerrybeth DeMello, to receive a copy of the resolution.

VICE-CHAIR GUZMAN: Yes, we may proceed. May the family come down and receive our condolences.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. Warren Carroll will say a few words to us.

VICE-CHAIR GUZMAN: You may proceed. Thank you.

MR. WARREN CARROLL: I'd just like share my aloha and my plenty mahalos for all your, your support. My wife, she, she loved everybody. I'm surely going to miss her. Every time I come around places like this, all I can think about is her and all the good work that she has done for many people. She have changed many people's lives.

And, the only way I can look at this, just to stay positive, is to know that she just got promoted upstairs, and to continue her work above as to where she's always looking down at everyone and just making sure that everything gets done in accordingly.

I really thank you so much for all the great support that the State, the County, and all the love from the people, family, friends, and ohana. Again, thank you and much mahalos for everything. My heart goes out to each and every one of you.

So, whenever you guys get the chance, Mele is on top of the hill. She would love to have visitors to come by and pay their respect. I always take my daughter since she passed, to go up there and sit. And it's beautiful because it's right above the oceanside, and it's very windy, and it's really nice, and it's peaceful. That way I can get back into myself and just have a little conversation and, and then walk off feeling good. Thank you so much. I love you all. Mahalo.

VICE-CHAIR GUZMAN: Thank you, Warren.

COUNCILMEMBER CARROLL: Thank you, Warren.

VICE-CHAIR GUZMAN: God bless you and know that our prayers are with your family.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, for the congratulatory and the condolent resolutions, RESOLUTION NOS. 15-26 and 15-27, respectively.

Proceeding with presentation of testimony on agenda items. We have established limited telephone interactive communication that enables individuals from Hana, Lanai, and Molokai, to provide testimony from our District Offices.

Individuals who wish to offer testimony from Hana, Lanai, and Molokai, should now sign up with the District Office staff. Individuals who wish to offer testimony in the chamber, please sign up at the desk located on the eighth floor lobby, just outside the chamber door. Testimony at all locations is limited to the items listed on today's agenda.

And, pursuant to the Rules of the Council, each testifier is allowed to testify for up to three minutes with one minute to conclude if requested. When testifying, please state your name and the name of any organization you represent.

Hana Office, please identify yourself and introduce your first testifier.

MS. DAWN LONO: Good morning. This is Dawn Lono at the Hana Office and there is no one waiting to testify.

COUNTY CLERK: Thank you.

Lanai Office, please identify yourself and introduce your first testifier.

MS. DENISE FERNANDEZ: Good morning, Chair. This is Denise Fernandez on Lanai and there is no one waiting to testify.

COUNTY CLERK: Molokai Office, please identify yourself and introduce your first testifier.

MS. ELLA ALCON: Good morning, Chair. This is Ella Alcon on Molokai and there is no one here waiting to testify.

COUNTY CLERK: Mr. Chair, we have three individuals who have signed up to provide testimony in the Council chamber.

The first person to testify this morning in the chamber is Mr. Jim Smith, testifying on minutes of February 6, 2015, Committee Report 15-21, and Committee Report, County Communication 15-90. And, Mr. Smith will be followed by Brad Edwards.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MR. JIM SMITH (testifying on February 6, 2015 minutes, Committee Report No. 15-21, and County Communication 15-90):

Aloha, Chair Guzman, Members of the Council. Let, let me tell you.

VICE-CHAIR GUZMAN: Mr. Smith, can you identify yourself--

MR. SMITH: My name is Jim Smith.

VICE-CHAIR GUZMAN: Thank you.

MR. SMITH: Mele Carroll was a real person. And, that to me is what we hold on to. She's going to be here with me forever; real person.

I'm testifying on three items because I think they all work together. The first item I'm going to testify is the minutes for February 6. And the, and the issue is on page 77 of these minutes. And, I'm going to ask that they be transmitted to the Policy and Intergovernmental Affairs Committee.

On page 77, the Corporation Counsel says that my client, all right, is the body politic, okay. Well, not so. Our Charter is based upon as William Crockett said, brakes and balance, all right; there's clients. In August 19, Deputy Corporation Counsel Kushi said, basically, the gist of this is a professional code, all right. And, that has to do with confidentiality, it has to do with a real client. And, then he said he wasn't going to give information about actions of the Mayor, okay.

So, if you take both of these, the public trustee, that means when you see something illegal you stop it because you're a public trustee. So, if that's your job, you stop illegal activity or you let someone know that. And, that's in the rules of professional conduct, okay. I think it's . . . I can give you the note if need, okay. But, that's part of the rules, is as an attorney, if you're a public trustee you go down that road. Protect us from illegality, okay. He's not that.

The gist of it is, okay, he stopped giving you information. The question is, what information is he giving you. And, you've asked questions, Chair, in Committee, and everyone's asked us and you've gotten this information about a Federal procedure code that you can't . . . and a professional, professional conduct code. Does that supersede law? Well, if it's an attorney-client privilege, okay, that's one thing. That means you're a client. That means they got to get your consent before they give information to the Mayor who's not a client. That's the way it works.

So, I'm asking that this be transferred to Policy and Intergovernmental Affairs Committee so that this be washed out, okay. I say this because the next thing I'm going to testify is a communication from Mike White, which basically asks for, okay, the hiring, all right, of special counsel for a term, all right.

So now I'll go to that one which is the County Communication 90, all right. And, it comes to you with an attached resolution, all right. And, the resolution as a whereas alleges structural bias. There is no structural bias, okay. You've got an attorney that thinks he's representing everyone. So, you don't solve that by changing your Charter. And, you don't solve that by condemning the guy, okay, which is basically what this resolution is, is a vote of no confidence. That's all it is, okay. And, then you want to hire someone which is in violation of our Charter, okay, which says basically there are, they're your, your advisors, chief advisors.

I think there is access to getting special counsel but it's not for the reasons stated in that resolution. So, I would ask that that resolution go to the Policy and Intergovernmental Affairs Committee because, all right, the Charter gives you authority to investigate matters that you legislate on. And, the Department of Corporation Counsel is in the Maui Code at 2.12.030. So, you can legislate what the terms are in the Code. And you can get a special counsel to do that. But, to do that you need to go to Policy and not Budget, okay.

Cause I think that this resolution, though well-intended does the same thing the Mayor does with our Charter. What can I do? Where does it say I can't do it? It doesn't say I can't do it, so I can do it. But that's the thinking, all right. That's not governance by law, that's some other political structure. There's no structural bias in our Charter. The history is clear; brakes and balance. You provide the brakes.

So, please I ask that you take this communication to the Policy and Intergovernmental Affairs Committee, and not the Budget Committee, so that you can amend our Code to set things right, all right. And, if you're going to do the professional code, you got to do the whole thing. And that means when you have a client, all right, and he's doing something wrong, you let everyone know. Now, that's

the public trustee. When you're my attorney, I ask your permission before it gets done, all right. So, now that was 15-90, all right.

Now, I'm going to testify on this Committee of the Whole report, okay. And, what you're transmitting is a resolution giving \$500,000 to a guy in Virginia who's a graduate of Yale and all kinds of stuff and very connected. \$500,000 on top of \$1.2 million and that, do you know what the budget is for Corp. Counsel? 3.2. So, with this one affair, all right, you've got \$1,750,000 now.

So, I would say basically hold off and put that reso in the Budget Committee cause it seems like this is diverting you, okay, from really the issue is fix it. And you fix it with money, not attorneys. And if you say in your resolution this is for appellate expenses, that means you're not settling. That means you're going to war on a losing cause because everyone loses when the reef is unhealthy. And, you're going to spend \$500,000 when you could be doing some remedial work? Huh? Does not make sense.

Especially now, the case is August 11, all right. And, that's only the punishment phase, that's not the appellate phase, and you've already given them 1.25 million. They can't take it to the punishment side with that? They want 500 for an appellate? Where's the settlement, where's the good faith, where is all that? Well, you're being put in a position to look bad. And, you're being rushed through it, huh, February 6, February 18, March 3, March 11, now this? Huh, what's the big rush? Think. We need quality, we need reality, get real.

Please, I would appreciate you considering taking this, okay, to the Budget Committee and not acting on it. Take to the Policy and Intergovernmental Affairs Committee this letter, 15-90. Please, this is what we pay you for, for your soul, for your conscience, for your ability to say this is real and that's not real. And it doesn't take a rocket scientist to do that. Mahalo.

VICE-CHAIR GUZMAN: Thank you, Mr. Smith.

Any comments or questions from the Members? Seeing none, thank you very much for the testimony.

MR. SMITH: Aloha.

VICE-CHAIR GUZMAN: Mr. Clerk.

COUNTY CLERK: Mr. Chair, the next individual to testify is Brad Edwards, testifying on Committee Report 15-24, to be followed by Rosemary Robbins.

MR. BRAD EDWARDS (testifying on Committee Report 15-24):

Aloha, Chair Guzman and Members of the Council. My name is Brad Edwards and I'm a social worker here on Maui. I am, thank you for the opportunity for me to speak on CR 15-24, the reappointment of Christy Kajiwar-Gusman to the Cultural Resources Commission.

I was born and raised in Hawaii and I'm grateful to be surrounded by such a diverse group of people who also call Hawaii home. As a social worker, I'm bound by my code of ethics, which state that one should act to prevent discrimination based for any person, group, or class, on the basis of race, ethnicity, political belief among others. I feel that the same code of ethics should also apply to any person seeking to be appointed by this Council to any public commission.

Unfortunately, some of Ms. Kajiwar-Gusman's public comments on social media have made it necessary for me to come here today to oppose her reappointment. The comments that she has made are so inappropriate, I do not feel comfortable repeating them in this hearing. However, I have included the copies of them in my written testimony for your review. I would hope after reading them, you would also agree that her comments would disqualify her from being considered for the position on the Cultural Resources Commission, or any other future position that comes before you.

I'm assuming that the five Councilmembers who voted to support her reappointment at the time of the initial committee hearing were not aware of this information. I strongly urge those five Councilmembers to reconsider her position and her reappointment of Ms. Kajiwar-Gusman based on her publicly stated beliefs that in no way honor the cultural diversity of the State.

I want to thank you for your time and for your public service in helping move our community forward.

VICE-CHAIR GUZMAN: Thank you. Thank you very much, Mr. Edwards. Any comments, or questions, or follow-ups for the testifier? Seeing none, thank you very much for your testimony.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, the next individual is Rosemary Robbins, testifying on Committee Report 15-21 and Committee Report 15-23.

MS. ROSEMARY ROBBINS (testifying on Committee Report Nos. 15-21 and 15-23):

Good morning, everybody. Rosemary Robbins, concerned citizen. This is trying to fill in the gaps on what I've just heard on our first testifier this morning. This is about the ongoing case on the problems over on the West Side for the injection wells and the multiple problems that go along with that.

Testimony has been given here before about the money that has been spent on hiring additional attorneys; additional to the people that are already on our County payroll. And going through the, just for the folks at home in particular to reorient this time-wise now.

In 2012, there was a suit filed by four not-for-financial-profit corporations here in Hawaii; the Hawaii Wildlife Fund, the Sierra Club, the Surfrider Foundation, and West Maui Preservation Association. They don't work for the County, they work for the County's folks. They are trying to make sure that we have a safe and growthful environment.

So, remembering that the Clean Water Act, Federal Act, was from 1972. These people waited until 2012 to file this. The County itself did not initiate getting ahead of the problems that were happening in that environment over on West Maui, and . . . and some of the other injection well environments.

And even though the County waited for that long, when the suit finally came down, it took them only 24 days to take action. And the action that they took, remember now we're talking about 1972, we're talking about 2012, they took only 23 days to make a response. And the response was "court, throw out this suit". Okay, so not a, an confidence inspiring response for the folks to be able to hear. What do you mean throw it out?

So, I went back and went over the records on this and how we got to that hundred, 1,750,000, is it as of today? And, on the seventh floor, again anyone is welcome to go and do this, check out the records themselves. They started out with saying they were going to need an additional hundred and, I got a second one, so finishing up on that one? Thank you. Started out by saying the cost is going to be not-to-exceed. Remember, we kept saying that. First graders know what that means. Not to exceed

\$250,000. And the cost as of today's request for the fifth increment definitely to exceed, coming up over, well over a million dollars. Something's terribly wrong with the Math and the English comprehension in that, not-to-exceed.

So, we need to be very, very careful that we listen carefully and get this into the right Committees at the right time, which is sometime ago, we're playing catchup all; and catchup because there is a hearing before the Chief Federal Judge in Honolulu coming up this summer. We can't control that timeframe.

I just would like to say that in moving with this, the County has before been involved when it sued, including one of the oil companies, one of our, two of our Maui pineapple companies over history. They know that there's a history on that. They're not taking a logical forward step on that. So, we need to make sure that we remind them that that's very important to do.

So, this morning's paper, pulling Ching was the right move to have made. We need to make sure that we're aware that the new Governor is saying, I wish this weren't true but I've heard from umpteen people in the community, all over the State, and I'm withdrawing the person that I had hoped would be the person to represent the State on the State geography health.

So, in doing that I want to then change, that's kind of an unhappy face on my paperwork, but a happy face coming up to 15-23. This is the Infrastructure and Environmental Management Committee. It's got all sorts of data in here verifying why they have come up with what they have come up with.

I can think that this is very, very hopeful with a huge capital letter saying oversight. Those of us who worked on the Upcountry Oversight and Advisory Committee from the EPA requirement for that half million dollars that we got from them which is manini money in today's world by contrast to the rest of what's going on here. The oversight that we proposed didn't happen. The money went somewhere. It didn't go to what we had proposed. And, again, it was an eleventh hour deal.

So, I'm very hopeful for this with the oversight that is called for by way of intelligence, intelligently to read what the history was, to read what the proposals for today and tomorrow are in here, in, in their plans of work. Who's doing what, when, overseen by whom, anticipated results; that's the way you make a plan that's going to be traceable.

So, anybody out there who would like to be part of going over that, come on down, seventh floor, they'll give you a desk, they'll give you a chair, and you've got as long as the day is open, closing at 4:30. Remember, that's seventh floor of the County building right here on High Street. So, please take advantage of your opportunity to come, to read, the folks are wonderful, everything is handicapped accessible coming into this building and coming up to the floors. So, please take that opportunity and just cherish that you have it, that you can read it.

If you need help with any of the reading, you can call and find out who'd be able to come. The Office on Aging is more than happy to supply somebody. They can come to you and, and in the comfort of wherever your own home or garage is, we can talk about this.

So, one of the things that we have to watch about is what happened back in the '06 to '08. On the Federal level, we had money-oriented outfits, the big banks too big to fail, some of them failed. Where are we going to be if indeed our health and well-being because of water, all things find life, if we fail? We're already failing. So, that needs a turnabout and a go ahead in the right direction. So, thank you very much.

VICE-CHAIR GUZMAN: Thank you, Ms. Robbins.

Members, do you have any questions or follow-ups? Seeing none, thank you very much for your testimony.

MS. ROBBINS: You're welcome.

VICE-CHAIR GUZMAN: Mr. Clerk.

COUNTY CLERK: Mr. Chair, there are no further individuals signed up to testify in the Council chamber.

If there are any individuals in the Council chamber or the District Offices that would like to offer testimony, please identify yourself to the appropriate staff and proceed to the lectern or District Office phone at this time.

Hana Office, are there any additional testifiers?

MS. LONO: The Hana Office has no one waiting to testify.

COUNTY CLERK: Lanai Office, any additional testifiers?

MS. FERNANDEZ: There is no one waiting to testify on Lanai.

COUNTY CLERK: Molokai Office, any additional testifiers?

MS. ALCON: There's no one here on Molokai waiting to testify.

COUNTY CLERK: Mr. Chair, there are no individuals in the District Offices nor the chamber who wish to offer testimony.

VICE-CHAIR GUZMAN: Thank you, Mr. Clerk.

Has there any, been any written testimony been submitted?

COUNTY CLERK: Mr. Chair, we have received written testimony.

VICE-CHAIR GUZMAN: Thank you. Members, if there's any objections to receive written testimony into the record.

MEMBERS VOICED NO OBJECTION.

VICE-CHAIR GUZMAN: Thank you. So ordered.

THERE BEING NO OBJECTION, WRITTEN TESTIMONY
RECEIVED FROM THE FOLLOWING WERE MADE A PART
OF THE RECORD OF THIS MEETING:

1. Brad Edwards; and
2. Brian Lehmann.

VICE-CHAIR GUZMAN: Well, without objections, we will close public testimony.

MEMBERS VOICED NO OBJECTION.

VICE-CHAIR GUZMAN: Thank you.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, proceeding with minutes.

MINUTES

The minutes of the Council of the County of Maui's regular meeting of February 6, 2015, and special meeting of February 17, 2015, were presented at this time.

VICE-CHAIR GUZMAN: Mr. Victorino.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I MOVE TO ACCEPT THE MINUTES OF THE
REGULAR MEETING OF FEBRUARY 6, 2015, AND THE
SPECIAL MEETING OF FEBRUARY 17, 2015.

COUNCILMEMBER COCHRAN:

CHAIR, I SECOND THE MOTION.

VICE-CHAIR GUZMAN: A motion by Mr. Victorino, seconded by Ms. Cochran. Any discussion? Seeing none, all those in favor of the adoption of the regular minute, meeting minutes of February 6, 2015, and the special meeting of February 17, 2015, say "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, CRIVELLO, VICTORINO, AND
VICE-CHAIR GUZMAN.

VICE-CHAIR GUZMAN: All those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS COUCH, HOKAMA, AND
CHAIR WHITE.

VICE-CHAIR GUZMAN: Six "ayes", no "noes", three "excused"; motion carries.

Thank you very much, Mr. Victorino.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, proceeding with committee reports.

COMMITTEE REPORTS

COMMITTEE REPORT

NO. 15-18 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 5 (2015), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE – SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, OFFICE OF THE MAYOR (HAWAII STATE ENERGY OFFICE)", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 15-37, from the Budget Director, be FILED.

VICE-CHAIR GUZMAN: Mr. Clerk, I believe that we have a, a couple Members that are requesting a recess at this time. So, I will recess for--

COUNCILMEMBER COCHRAN: Morning break, Chair?

VICE-CHAIR GUZMAN: --a morning break for, until about for, let's see, ten minutes; morning break.

COUNCILMEMBER COCHRAN: Thank you, Chair.

VICE-CHAIR GUZMAN: Thank you. We're in recess.

(THE MEETING WAS RECESSED BY THE VICE-CHAIR AT 10:05 A.M., AND WAS RECONVENED AT 10:22 A.M., WITH ALL MEMBERS PRESENT EXCEPT COUNCILMEMBERS COUCH, HOKAMA, AND CHAIR WHITE EXCUSED.)

VICE-CHAIR GUZMAN: Council meeting shall reconvene.

Mr. Clerk, can you restate the, the item number 15-18?

COUNTY CLERK: Thank you, Mr. Chair.

VICE-CHAIR GUZMAN: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 15-18.

COUNCILMEMBER VICTORINO:

SECOND, MR. CHAIR.

VICE-CHAIR GUZMAN: There's a motion on the floor from Ms. Cochran, seconded by Mr. Victorino. Any further discussion?

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And, your Budget and Finance Committee met on March 3, 2015, to consider a FY 2015 Budget amendment and it is to approve the acceptance of \$20,000 grant from Hawaii State Energy Office to support the 2015 Maui Energy Conference that will be held March 25 through 27.

The County of Maui is a sponsor of the conference that will feature experts from across the nation representing this latest trends in electric utility industry and public policy influencing customer choices. And, I therefore ask for this Council's support. And, thank you for that opportunity, Chair.

VICE-CHAIR GUZMAN: Thank you. Any further discussions from the Members? Seeing none. There's a motion on the floor to adopt the Committee Report on item 15-18, all in favor say "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, CRIVELLO, VICTORINO, AND
VICE-CHAIR GUZMAN.

VICE-CHAIR GUZMAN: All opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS COUCH, HOKAMA, AND
CHAIR WHITE.

VICE-CHAIR GUZMAN: Six "ayes", no "noes", three "excused"; motion carries.

Thank you very much, Ms. Cochran.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, for the record, BILL 5 (2015).

COMMITTEE REPORT

NO. 15-19 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 6 (2015), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE – SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF PUBLIC WORKS (FEDERAL HIGHWAY ADMINISTRATION, FEDERAL-AID AND OTHER TRANSPORTATION GRANTS)", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 15-38, from the Budget Director, be FILED.

VICE-CHAIR GUZMAN: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

ON BEHALF OF CHAIR HOKAMA, I MOVE TO ADOPT THE
RECOMMENDATIONS IN COMMITTEE REPORT 15-19.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

VICE-CHAIR GUZMAN: Motion by Ms. Cochran, seconded by Mr. Victorino. Any discussion?

COUNCILMEMBER COCHRAN: Yes, thank you, Chair. And, so the Budget and Finance Committee met March 3, 2015, to consider FY 2015 Budget amendment. And, this is to amend Appendix A of the Fiscal Year 2015 Budget by increasing the appropriation

for the Department of Public Works, Federal Highway Administration, Federal-Aid and other Transportation Grants by \$2,925,550; and to change the title of the grant to more accurately reflect the current Federal program.

The additional funds will be used to supplement the Fiscal Year 2015 appropriations for the following projects: (1) Kokomo Road Pavement Reconstruction; (2) Hansen Road Improvements; and (3) Lono Avenue Pavement Rehabilitation Phase 2. And therefore, I ask for the Members support on this resolution.

VICE-CHAIR GUZMAN: Thank you, Ms. Cochran. Any further discussion? Seeing none, Members, there's a motion on the floor to adopt the Committee Report under 15-19. All in favor say "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, CRIVELLO, VICTORINO, AND
VICE-CHAIR GUZMAN.

VICE-CHAIR GUZMAN: All opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS COUCH, HOKAMA, AND
CHAIR WHITE.

VICE-CHAIR GUZMAN: There are six "ayes", no "noes", three "excused"; motion carries.

Thank you very much, Ms. Cochran.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, for the record, BILL NO. 6 (2015).

COMMITTEE REPORT

NO. 15-20 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Bill 7 (2015), entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO APPENDIX A, PART I, GRANT REVENUE – SCHEDULE OF GRANTS BY DEPARTMENTS AND PROGRAMS, DEPARTMENT OF

PUBLIC WORKS (STATE OF HAWAII DEPARTMENT OF TRANSPORTATION – SAFE ROUTES TO SCHOOL PROGRAM SPECIAL FUND)", be PASSED ON FIRST READING and be ORDERED TO PRINT; and

2. That County Communication 15-60, from the Budget Director, be FILED.

VICE-CHAIR GUZMAN: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

AGAIN, ON BEHALF OF CHAIR HOKAMA OF THE COMMITTEE, I MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORT 15-20.

COUNCILMEMBER VICTORINO:

SECOND, MR. CHAIR.

VICE-CHAIR GUZMAN: Thank you. There's a motion by Ms. Cochran, seconded by Mr. Victorino. Any discussion?

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And, the Budget and Finance Committee met again, March 3, 2015, to consider FY 2015 Budget amendment. And, this was to approve the acceptance of \$101,000 grant from the State of Hawaii, Department of Transportation – Safe Routes to School Program Special Fund to supplement programs and projects under the Safe Routes to School Program.

This program enables and encourages children to walk or bicycle to school by providing safe paths.

The funds will be used for workshops to engage schools to explore projects that may benefit their students, and for planning and designing of new projects; good use. And, I look for my fellow Members support on this. Thank you, Chair.

VICE-CHAIR GUZMAN: Thank you, Ms. Cochran. Any further discussion? Seeing none, there's a motion on the floor to adopt the Committee Report under item 15-20. All in favor say "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, CRIVELLO, VICTORINO, AND
VICE-CHAIR GUZMAN.

VICE-CHAIR GUZMAN: All those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS COUCH, HOKAMA, AND
CHAIR WHITE.

VICE-CHAIR GUZMAN: Six "ayes", no "noes", three "excused".

Thank you, Ms. Cochran.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, for the record, BILL NO. 7 (2015).

COMMITTEE REPORT

NO. 15-21 - COMMITTEE OF THE WHOLE:

Recommending that Resolution _____, entitled "AUTHORIZING THE
EMPLOYMENT OF SPECIAL COUNSEL HUNTON & WILLIAMS LLP, IN HAWAII
WILDLIFE FUND, ET AL. V. COUNTY OF MAUI, CIVIL NO. 12-00198 SOM BMK",
be ADOPTED.

VICE-CHAIR GUZMAN: Ms. Crivello.

COUNCILMEMBER CRIVELLO:

I MOVE TO ADOPT THE RECOMMENDATION IN
COMMITTEE OF THE WHOLE.

COUNCILMEMBER COCHRAN:

CHAIR, SECOND THE MOTION.

VICE-CHAIR GUZMAN: There's a motion by Ms. Crivello, seconded by Ms. Cochran. Any discussion?

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. On March 4, 2015, your Committee of the Whole met to consider a proposed resolution to authorize: (1) the employment of Michael Shebelskie, Esq., of Hunton & Williams LLP, as appellate counsel to represent the County in Hawaii Wildlife Fund, et al. v. County of Maui, Civil 12-00198 SOM BMK; and (2) raising the compensation limit for the employment of special counsel by an additional \$500,000 for trial preparation, motions, trial, and appeal, for a total compensation not exceeding \$1,750,000.

The complaint in this case alleges violations of the Federal Water Pollution Control Act, also known as the Clean Water Act, and other laws, arising out of the County's operation of injection wells at the Lahaina Wastewater Reclamation Facility. The complaint seeks injunctive relief, penalties, and attorney's fees and costs.

Your Committee voted 7-0 to recommend adoption of the proposed resolution. I ask for the Council's support of the Committee's recommendation. Thank you, Chair.

VICE-CHAIR GUZMAN: Thank you, Ms. Crivello.

Any further discussion from the Members?

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And, unfortunately I was not part of the discussion on this particular day, although have been obviously a part of the discussion from the past. And, you know, I, I, hearing the testifiers comments today, I felt were very, very legitimate and they have been religiously following us along also as best they can without, of course, the executive session information. And, I think I've shared to everyone here openly that this is something I'm obviously not happy with, and felt there could have been different ways of addressing it early on to avoid such situations.

And, so I think that raising, you know, the not to exceed value all the time. I mean, it's bumping up to almost two million at this point. And, so I, you know, I, I have concerns about all this. And, so at this point, being that I was not intimately involved in this part of this discussion at this time, I'm not going to be in support of it. Thank you, Chair.

VICE-CHAIR GUZMAN: Thank you. Any further discussion?

COUNCILMEMBER CRIVELLO: Chair.

VICE-CHAIR GUZMAN: Ms. Crivello.

COUNCILMEMBER CRIVELLO: It's, it's unfortunate that the maker of, of this request is not available. But, and I don't know how much we can bring out here, but if we look at how much it will actually involve for us to respond and then the, the gamble we take probably can be beyond this amount of money.

So, I don't believe Mr. White would basically make such a proposal without taking everything into consideration. So, I, I hope our, my colleagues will support this resolution.

VICE-CHAIR GUZMAN: Members, any further discussion?

Well, at this time, I, I think that we probably would need more vetting in terms of this, the issues that, it seems as though one of the Member's is not, was not present. So, without objections, I would like to recommit this, this item back to Committee.

COUNCILMEMBER COCHRAN: No objection.

COUNCILMEMBER CRIVELLO: I object.

VICE-CHAIR GUZMAN: Okay, there's an objection on the floor.

COUNCILMEMBER BAISA: Make it two.

VICE-CHAIR GUZMAN: Okay, thank you. I'm going to take a quick recess, about, let's say five minutes. Thank you.

(THE MEETING WAS RECESSED BY THE VICE-CHAIR AT 10:33 A.M., AND WAS RECONVENED AT 10:41 A.M., WITH ALL MEMBERS PRESENT, EXCEPT COUNCILMEMBERS COUCH, HOKAMA, AND CHAIR WHITE EXCUSED.)

VICE-CHAIR GUZMAN: Our regular meeting of the Council shall now reconvene. We are at discussion for item number 15-21.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Chair, at this time, I think in all fairness for us to have the maker of this resolution be present.

I'D LIKE TO AT THIS TIME WITHDRAW MY MOTION.

COUNCILMEMBER VICTORINO:

I WITHDRAW MY SECOND.

VICE-CHAIR GUZMAN: There has been a motion to withdraw from Stacy Crivello and seconded by Mr. Victorino.

COUNCILMEMBER VICTORINO: Mr. Chair. Oh, while you're at, I'd like to make a motion if I may?

VICE-CHAIR GUZMAN: Yes.

COUNCILMEMBER VICTORINO:

I WOULD LIKE TO ASK FOR YOUR PERMISSION, I WOULD LIKE TO RECOMMEND DEFERRAL OF THIS ITEM TO OUR NEXT MEETING WHICH I THINK IS APRIL 2, I, I'M NOT SURE WHEN OUR NEXT MEETING IS, BUT OUR NEXT COUNCIL MEETING.

That's my motion.

VICE-CHAIR GUZMAN: There's been a motion to defer this matter by Mr. Victorino. Is there a second?

COUNCILMEMBER COCHRAN:

SECOND.

VICE-CHAIR GUZMAN: Second by Ms. Cochran. Any further discussion?

Ms. Baisa.

COUNCILMEMBER BAISA: Chair, I think we need a date certain.

VICE-CHAIR GUZMAN: Yes.

COUNCILMEMBER BAISA: Do we know what that date is?

VICE-CHAIR GUZMAN: The Clerk is indicating April 7.

COUNCILMEMBER BAISA: Correct.

COUNCILMEMBER VICTORINO: April 7. I'm sorry, I apologize.

VICE-CHAIR GUZMAN: At nine o'clock a.m.

Okay. Any further discussions, Members? Seeing none, all in favor say "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, CRIVELLO, VICTORINO, AND
VICE-CHAIR GUZMAN.

VICE-CHAIR GUZMAN: All those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS COUCH, HOKAMA, AND
CHAIR WHITE.

VICE-CHAIR GUZMAN: Six "ayes", no "noes", and three "excused"; motion carries.

Thank you, Members.

Proceeding on to the next agenda item, Mr. Clerk.

COMMITTEE REPORT

NO. 15-22 - ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE, AND
RECREATION COMMITTEE:

Recommending the following:

1. That Resolution 15-28, entitled "AUTHORIZING A GRANT OF A LICENSE OF COUNTY REAL PROPERTY FOR THE INSTALLATION, OPERATION, AND MAINTENANCE OF ELECTRIC VEHICLE QUICK CHARGERS AND LOCAL BATTERY UNITS", be ADOPTED; and
2. That County Communication 14-292, from the Economic Development Director, be FILED.

VICE-CHAIR GUZMAN: Thank you, Mr. Clerk.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

AND, ON YOUR BEHALF, I'D LIKE, I MOVE TO ADOPT THE
RECOMMENDATIONS IN ECONOMIC DEVELOPMENT,
ENERGY, AGRICULTURE, RECREATION COMMITTEE
REPORT 15-22.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

VICE-CHAIR GUZMAN: There's a motion made by Ms. Cochran, seconded by
Mr. Victorino.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And, that's a mouthful of the name of
your Committee. On February 17, March 3, and March 6, 2015, your Committee met
to consider a proposed resolution to authorize the grant of a license of County real
property to Hitachi Advanced Clean Energy Corporation, in association with
JUMPSmartMaui, for the installation, operation, and maintenance of electric vehicle
quick chargers and local battery units at Haiku Community Center, Kihei Community
Center, Lahaina Aquatic Center, and County offices at the Kalana Pakui Building in
Wailuku.

And, the purpose of this project is to demonstrate smart-grid technology and to test
how EVs and stationary devices, including EV chargers and batteries, can stabilize
Maui's electric grid, power grid and support the use of higher levels of renewable
energy on Maui.

And, your Committee learned a different company, not part of the JUMPSmartMaui
project, installed three chargers in front of County, this County building. And when
two of the chargers broke down, the Office of Economic Development approached
Hitachi to repair and maintain the chargers as part of the project, as well as expand
the system to other locations.

So, Hitachi, thanks to them, on its own cost, reinstalled the chargers. The license would allow Hitachi to formally take over these chargers and install additional chargers at the Haiku and Lahaina locations, and a battery at the Kihei location.

Your Committee recommended that the resolution be adopted and County Communication be filed. So, at this point, I look for Council support of your Committee's recommendations. Thank you, Chair.

VICE-CHAIR GUZMAN: Thank you, Ms. Cochran.

Any further discussion? Seeing none, there's a motion on the floor to adopt the, the Committee Report under item 15-22. All in favor say "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, CRIVELLO, VICTORINO, AND
VICE-CHAIR GUZMAN.

VICE-CHAIR GUZMAN: All those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS COUCH, HOKAMA, AND
CHAIR WHITE.

VICE-CHAIR GUZMAN: Six "ayes", zero "noes", three "excused"; motion carries.

Thank you very much, Ms. Cochran.

COUNCILMEMBER COCHRAN: You're welcome.

VICE-CHAIR GUZMAN: Mr. Clerk.

COUNTY CLERK: For the record, Mr. Chair, RESOLUTION 15-28.

COMMITTEE REPORT

NO. 15-23 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. That Bill 8 (2015), entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII FOR THE IMPLEMENTATION OF COUNTY FEDERAL-AID HIGHWAY PROJECTS AND PROGRAMS, AND TO INDEMNIFY THE STATE OF HAWAII UNDER CERTAIN LIMITED CIRCUMSTANCES", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 15-17, from the Director of Public Works, be FILED.

VICE-CHAIR GUZMAN: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

AND SO, ON BEHALF OF MYSELF FOR THIS, FINALLY I'M THE CHAIR OF THIS COMMITTEE, I MOVE TO ADOPT THE RECOMMENDATIONS IN COMMITTEE REPORT 15-23.

COUNCILMEMBER CRIVELLO:

SECOND.

VICE-CHAIR GUZMAN: There's been a motion on the floor by Ms. Cochran, seconded by Ms. Crivello.

Any further discussion?

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And, your Committee met on February 16, 2015 *[sic]*, to consider a bill authorizing the execution of an intergovernmental agreement with the State for the implementation of County Federal-aid projects for eligible roads and activities.

The State desires to formalize the process for implementing Federal-aid highway projects by entering into an agreement with each of the counties. This agreement establishes the responsibilities of the State and County for utilizing Federal-aid funds and implementing projects.

The agreement also established new requirements relating to the coordination of projects with the new Maui Metropolitan Planning Organization, the MPO [sic]; multiyear estimates of available Federal-aid funds; and the indemnification of the State by the County in certain limited circumstances.

Your Committee emphasized that the agreement should allow County to secure required matching funds for projects through innovative financing allowed for by Federal regulations. Your Committee notes Appendix C of the agreement allows County to utilize a "soft match" to secure its matching funds. Previously purchased or donated lands, consultant services, materials, or funds may qualify towards County's match.

The Director of Public Works expresses his support for the proposed bill and formal agreement governing the implementation of projects, noting that a formal agreement has never existed.

So, with this, your Committee recommended passage of the proposed bill on first reading and filing of County Communication. And, I therefore respectfully ask for this Council's support. Thank you, Chair.

VICE-CHAIR GUZMAN: Thank you, Ms. Thank you, Ms. Cochran.

Any further discussion? Seeing none, there's a motion on the floor to adopt Committee Report under item 15-23. All in favor say "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, CRIVELLO, VICTORINO, AND
VICE-CHAIR GUZMAN.

VICE-CHAIR GUZMAN: All opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS COUCH, HOKAMA, AND
CHAIR WHITE.

VICE-CHAIR GUZMAN: Six "ayes", zero "noes", and three "excused".

Thank you very much, Ms. Cochran.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, for the record, BILL NO. 8 (2015).

NO. 15-24 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending that Resolution _____, entitled "APPOINTMENT OF MEMBERS TO THE BOARDS AND COMMISSIONS FOR THE COUNTY OF MAUI", be ADOPTED.

Approving the appointment of the following members to the boards, committees, and commissions for the County of Maui (for terms beginning April 1, 2015, and expiring March 31, 2020):

*FIRE AND PUBLIC SAFETY COMMISSION
Linda Fernandez (Lanai)*

*LANAI PLANNING COMMISSION
Jarrod Barfield (Lanai)*

*LIQUOR CONTROL ADJUDICATION BOARD
Candace Ariaga (Lanai)*

*MAUI COUNTY CULTURAL RESOURCES COMMISSION
Christy Kajiwaru-Gusman (Reappointment)*

Disapproving the appointment of the following members to the boards, committees, and commissions for the County of Maui:

*FIRE AND PUBLIC SAFETY COMMISSION
Elgin Keahi Meyer (Molokai)*

*LANAI PLANNING COMMISSION
James Clemens (Lanai)*

VICE-CHAIR GUZMAN: Thank you, Mr. Clerk.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair. I move to adopt the recommendations, oh, with no objections, I'm sorry, I'm getting ahead of myself. With no objections, I would like to ask the Clerk to call up Committee Reports 15-25 and 15-26 as recommended for approval on the various boards and commissions.

VICE-CHAIR GUZMAN: Mr. Clerk.

NO. 15-25 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending that Resolution _____, entitled "APPOINTMENT OF A MEMBER TO THE URBAN DESIGN REVIEW BOARD FOR THE COUNTY OF MAUI", be ADOPTED.

Approving the appointment of David Sereda to the Urban Design Review Board, for a term beginning on April 1, 2015, and expiring on March 31, 2020.

NO. 15-26 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. That Resolution _____, entitled "APPOINTMENT OF A MEMBER TO THE KULA AGRICULTURAL PARK COMMITTEE FOR THE COUNTY OF MAUI", be ADOPTED;

Approving the appointment of James Leary (replacing Lorraine Brooks) to the Kula Agricultural Park Committee, for a term expiring on March 31, 2018.

2. That Resolution _____, entitled "APPOINTMENT OF A MEMBER TO THE BOARD OF ETHICS FOR THE COUNTY OF MAUI", be ADOPTED; and

Approving the appointment of Sara Gadarian (replacing Lilah Inaba) to the Board of Ethics, for a term expiring on March 31, 2015.

3. That Resolution _____, entitled "APPOINTMENT OF A MEMBER TO THE AFFIRMATIVE ACTION ADVISORY COUNCIL FOR THE COUNTY OF MAUI", be ADOPTED.

Approving the appointment of Judy Egger (replacing Michael Kawagishi) to the Affirmative Action Advisory Council, for a term expiring on March 31, 2018.

VICE-CHAIR GUZMAN: Thank you, Mr. Clerk.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORTS 15-24, 15-25, AND 15-26.

COUNCILMEMBER BAISA:

MR. CHAIR, I SECOND THE MOTION.

VICE-CHAIR GUZMAN: There's a motion by Mr. Victorino, seconded by Ms. Baisa.

Any further discussion?

Ms. Cochran.

COUNCILMEMBER COCHRAN: Chair, I have a request to make an amendment.

VICE-CHAIR GUZMAN: Please state your amendment or your motion.

COUNCILMEMBER COCHRAN: I move, thank you very much.

I MOVE TO AMEND THE RESOLUTION 15-24, BY
REMOVING THE NAME OF CHRISTY KAJIWARA-GUSMAN,
NOMINEE TO THE MAUI COUNTY CULTURAL RESOURCE
COMMISSION, FROM EXHIBIT "B" FOR APPROVAL AND
PLACING HER NAME ON EXHIBIT "C" FOR DISAPPROVAL.

VICE-CHAIR GUZMAN: Thank you, Ms. Cochran. Is there a second?

I will second. Can the?

COUNCILMEMBER BAISA: Point of order.

VICE-CHAIR GUZMAN: Wait, can I take a quick recess?

COUNCILMEMBER BAISA: Point of order.

(THE MEETING WAS RECESSED BY THE VICE-CHAIR AT 10:53 A.M., AND WAS RECONVENED AT 10:53 A.M., WITH ALL MEMBERS PRESENT EXCEPT COUNCILMEMBERS COUCH, HOKAMA, AND CHAIR WHITE EXCUSED.)

VICE-CHAIR GUZMAN: The Committee meeting, I mean the meeting shall now reconvene. Is there a second?

Seeing none, apparently the, the motion shall fail at this time, Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you for this opportunity, Chair.

VICE-CHAIR GUZMAN: Thank you. Proceeding on.

COUNCILMEMBER CARROLL: Chair.

VICE-CHAIR GUZMAN: Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. I almost seconded that motion, but I didn't because I didn't support that person when the original time. However, I didn't feel it was appropriate because we're missing three Members over here. And, I felt that if nothing else that all the Members should be here if we are going to disapprove that name.

And, it's not like I approve it. It was obvious I voted against it last time. However, out of respect to my fellow Councilmembers is the only reason I didn't second that motion. I feel, and it's obvious we only have six Members over here and the motion would have carried. However, that, the motion, I mean the motion would have failed. There wouldn't have been enough people over here to okay the motion and I didn't want to go that way.

It's very difficult at times. And, sometimes when we don't have a full membership, it's easy to let something pass or not pass. But, any time we have something controversial I think we should wait for all of the Members. Thank you.

VICE-CHAIR GUZMAN: Ms. Baisa.

COUNCILMEMBER BAISA: Thank you very much. Chair, I'm going to be supporting the motion and I want to explain why. We had the privilege and the opportunity at our meeting where this passed out of Committee, to have all nine Members present. And, the majority made a decision. And so, I'm going to abide by that decision, thank you, because they're not here today.

VICE-CHAIR GUZMAN: Thank you. Any further discussion?

Ms. Cochran.

COUNCILMEMBER COCHRAN: Chair. Thank you. And so, Chair, I guess my question at this point, my motion had failed, is there a chance for that portion to be deferred or recommitted?

VICE-CHAIR GUZMAN: The only way that it could be deferred would be a motion to separate that particular item from the entirety of the resolution, and then we would have to vote on the separation.

COUNCILMEMBER COCHRAN: Okay. Thank you, Chair. And, obviously there's not enough votes.

VICE-CHAIR GUZMAN: Well, I'm, I'm not sure unless you, we call for the vote.

But, any further discussion?

COUNCILMEMBER COCHRAN: And so, Chair.

VICE-CHAIR GUZMAN: Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: Just clarification. And, so this motion is for all three of these Committee Reports correct?

VICE-CHAIR GUZMAN: Correct.

COUNCILMEMBER COCHRAN: In one vote.

VICE-CHAIR GUZMAN: Yes. Unless there's a motion to separate that particular item from the entirety.

COUNCILMEMBER COCHRAN: No.

VICE-CHAIR GUZMAN: Is there? No motion, okay. Very good. We, we will proceed on. Any further discussion regarding item 15-24, 15-25, 15-26?

COUNCILMEMBER VICTORINO: Mr. Chair.

VICE-CHAIR GUZMAN: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you. At our meeting of March 2, 2015, your Policy and Intergovernment Affairs Committee recommend the approvals of the Mayor's nomination to certain members of various boards, commissions, and committees. Your Committee also recommended the disapproval of two nominations. So, it was worked on and there were disapprovals based upon the, the full majority.

Your Committee was satisfied that nominees recommended for approval were qualified, fulfilled, to fulfill their duties and responsibilities related to the board for which they are being appointed.

I respectfully ask my Members to please support this motion so that we can move on. Thank you, Mr. Chair.

VICE-CHAIR GUZMAN: Thank you, Mr. Victorino.

Any further discussion? All those, seeing none, all those in favor say "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
CRIVELLO, AND VICTORINO.

VICE-CHAIR GUZMAN: All those opposed say "no".

NOES: COUNCILMEMBER COCHRAN AND
VICE-CHAIR GUZMAN.

EXCUSED: COUNCILMEMBERS COUCH, HOKAMA, AND
CHAIR WHITE.

VICE-CHAIR GUZMAN: There are four "ayes", two "noes", and three "excused"; motion fails.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, moving to county communications.

COUNTY COMMUNICATIONS

NO. 15-82 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated March 3, 2015)

Transmitting 30 contracts/grants for the month ending January 2015.

VICE-CHAIR GUZMAN: Mr. Victorino.

Oh no, excuse me, I apologize.

COUNCILMEMBER VICTORINO: I am not part of this Mr. Chair, I'm sorry. I have not been a part of it all day, so.

VICE-CHAIR GUZMAN: Okay. Oh, Ms. Cochran.

COUNCILMEMBER COCHRAN: Chair.

VICE-CHAIR GUZMAN: I should have known.

COUNCILMEMBER COCHRAN: Does that come to a surprise?

Thank you, Chair.

AND ON BEHALF OF, SO I MOVE THAT COUNTY COMMUNICATION 15-82 AND ITS CONTRACTS ATTACHED, EXCEPT FOR THE FOLLOWING BE FILED: CONTRACTS C5666, C5470-1, AND C4009, BE REFERRED TO COMMITTEE. THE REFERRAL OF THE THREE CONTRACTS ARE ON BEHALF OF THE BUDGET AND FINANCE CHAIR.

COUNCILMEMBER BAISA:

SECOND.

VICE-CHAIR GUZMAN: There's a motion on the floor by Ms. Cochran, seconded by Ms. Baisa. Any further discussion?

Ms. Cochran.

COUNCILMEMBER COCHRAN: No, no further discussion, Chair. Thank you.

VICE-CHAIR GUZMAN: Thank you. All, there's a motion on the floor, all those in favor say "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, CRIVELLO, AND VICE-CHAIR
GUZMAN.

VICE-CHAIR GUZMAN: All those opposed say "no".

NOES: COUNCILMEMBER VICTORINO.

EXCUSED: COUNCILMEMBERS COUCH, HOKAMA, AND
CHAIR WHITE.

VICE-CHAIR GUZMAN: There are five "ayes", one "no", and three "excused"; motion carries.

Thank you very much. And, Mr. Clerk.

NO. 15-83 - DAVID TAYLOR, DIRECTOR OF WATER SUPPLY,
(dated March 4, 2015)

Transmitting the Department of Water Supply's Monthly Source Report and Groundwater Use Report for the month ending February 2015.

VICE-CHAIR GUZMAN: Ms. Baisa.

COUNCILMEMBER BAISA: Thank you, Chair.

I MOVE TO FILE ITEM 15-83.

COUNCILMEMBER VICTORINO:

SECOND, MR. CHAIR.

VICE-CHAIR GUZMAN: Thank you. There's a motion on the floor by Ms. Baisa, seconded by Mr. Victorino.

Any further discussion, Ms. Baisa?

COUNCILMEMBER BAISA: No, the motion to file because this is just a routine monthly report and there's no need for it to go to Committee. Thank you, Chair.

VICE-CHAIR GUZMAN: Thank you very much, Ms. Baisa.

All those in favor say "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, CRIVELLO, VICTORINO, AND
VICE-CHAIR GUZMAN.

VICE-CHAIR GUZMAN: All those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS COUCH, HOKAMA, AND
CHAIR WHITE.

VICE-CHAIR GUZMAN: Six "ayes", zero "noes", three "excused"; motion carries.

Thank you. Mr. Clerk.

NO. 15-84 - RIKI HOKAMA, COUNCILMEMBER,
(dated March 12, 2015)

Transmitting a proposed resolution entitled "NOMINATING AND APPROVING THE APPOINTMENT OF MIKALA LEIKANANI ENFIELD TO THE MAUI COUNTY CULTURAL RESOURCES COMMISSION".

VICE-CHAIR GUZMAN: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair.

I MOVE TO WAIVE THE REQUIREMENTS OF THE COMMITTEE REFERRAL AND REPORT AS PROVIDED IN RULE 7(E) OF THE RULES OF THE COUNCIL FOR THE PROPOSED RESOLUTION ENTITLED "NOMINATING AND APPROVING THE APPOINTMENT OF MIKALA LEIKANANI ENFIELD TO THE MAUI COUNTY CULTURAL RESOURCE COMMISSION".

COUNCILMEMBER BAISA:

MR. CHAIR, I SECOND THE MOTION.

VICE-CHAIR GUZMAN: Thank you. There's been a motion by Mr. Victorino, seconded by Ms. Baisa.

Further discussions by the Members?

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair.

VICE-CHAIR GUZMAN: Mr. Victorino.

COUNCILMEMBER VICTORINO: Yea, thank you. On behalf of Mr. Hokama, I want to thank him for bringing this forward. The Mayor failed to submit a nomination from Lanai representing the Cultural Resource Commission by the January 31, 2015 deadline under Section 13-12, 16, and 17 of the Charter.

Mr. Hokama had transmitted the proposed resolution approving the name of Mikala Leikanani Enfield to the Commission, along with her complete application form. And, I think all of you were given a copy of the application form for your review.

COUNCILMEMBER BAISA: Yes.

COUNCILMEMBER VICTORINO: The Council deadline to act on this nomination is March 31, 2015. This is why I brought it forward today. And, I request, this is why I'm also requesting the waiver, if we do not do it then we're out of luck. So, I would ask for your support for this motion to waive the Rules of the Council.

VICE-CHAIR GUZMAN: Thank you, Mr. Victorino.

Is there any further discussion? Seeing none, there's a motion on the floor to waive the committee referral. All those in favor say "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, CRIVELLO, VICTORINO, AND
VICE-CHAIR GUZMAN.

VICE-CHAIR GUZMAN: All those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS COUCH, HOKAMA, AND
CHAIR WHITE.

VICE-CHAIR GUZMAN: Six "ayes", zero "noes", three "excused"; motion carries.

Thank you, Mr. Victorino.

Mr. Clerk.

COUNTY CLERK: Mr. Victorino.

VICE-CHAIR GUZMAN: Oh, Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you. According to the representative of the Mayor, the Mayor received Ms. Enfield's application too late to submit it to the Council for consideration. Oh, I need to make a motion. Yea, sorry.

I MOVE TO APPROVE THE NOMINATION OF MS., EXCUSE
ME, MIKALA LEIKANANI ENFIELD TO THE MAUI CULTURAL
AND RESOURCE COMMISSION.

COUNCILMEMBER BAISA:

SECOND.

VICE-CHAIR GUZMAN: Motion on the floor from Mr. Victorino, seconded by Ms. Baisa.

Any further discussion?

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you. And, again, as I mentioned, according to the representative of the Mayor, the Mayor received Ms. Enfield's application too late to submit it to the Council for consideration.

I trust that Mr. Hokama has done his due diligence. And he did tell me that he was very supportive of Ms. Enfield. Therefore, I would truly support the resolution as a, to be adopted and the filing of County Communication 15-84. Thank you, Chair.

VICE-CHAIR GUZMAN: Thank you very much, Mr. Victorino.

Any further discussion? Seeing none, there is a motion on the floor to adopt the resolution to nominate the, the appointment and for filing of the communications.

COUNCILMEMBER COCHRAN: Chair, real quick.

VICE-CHAIR GUZMAN: Yes.

COUNCILMEMBER COCHRAN: Just real quick.

VICE-CHAIR GUZMAN: Ms. Cochran.

COUNCILMEMBER COCHRAN: Sorry, just to chime in real quickly. But, besides Mr. Hokama's recommendation which is highly regarded, I've heard from other Members of that community too that are very, very encouraging, and happy to see her name being submitted, so, definitely here for approval. Thank you.

VICE-CHAIR GUZMAN: Thank you very much. Any further discussion? I'm restating the motion on the floor. There's a motion to adopt the resolution to nominate, to approve the, the appointment of the nominee and to file the communications. All those in favor say "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, CRIVELLO, VICTORINO, AND
VICE-CHAIR GUZMAN.

VICE-CHAIR GUZMAN: All those opposed say "no".

NOES: NONE.

EXCUSED: COUNCILMEMBERS COUCH, HOKAMA, AND
CHAIR WHITE.

VICE-CHAIR GUZMAN: There's six "ayes", zero "noes", three "excused"; motion carries.

Thank you very much. Mr. Clerk.

COUNTY CLERK: Mr. Chair, RESOLUTION NO. 15-29.

Mr. Chairman, the following county communications are, are recommended to the following Committees as noted.

NO. 15-85 - MIKE WHITE, COUNCIL CHAIR,
(dated March 13, 2015)

Relating to the Single Audit Report.

The recommended action is that County Communication No. 15-85 be referred to the Budget and Finance Committee.

NO. 15-86 - SANANDA K. BAZ, BUDGET DIRECTOR,
(dated February 25, 2015)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF FIRE AND PUBLIC SAFETY; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)" along with the "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2015".

The recommended action is that County Communication No. 15-86 be referred to the Budget and Finance Committee.

NO. 15-87 - SANANDA K. BAZ, BUDGET DIRECTOR,
(dated March 13, 2015)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF FINANCE, DEPARTMENT OF PUBLIC WORKS, AND DEPARTMENT OF WATER SUPPLY; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)" along with the "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2015".

The recommended action is that County Communication No. 15-87 be referred to the Budget and Finance Committee.

NO. 15-88 - SANANDA K. BAZ, BUDGET DIRECTOR,
(dated March 13, 2015)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING THE FISCAL YEAR 2015 BUDGET FOR THE COUNTY OF MAUI AS IT PERTAINS TO ESTIMATED REVENUES; DEPARTMENT OF ENVIRONMENTAL MANAGEMENT, DEPARTMENT OF FINANCE, DEPARTMENT OF PARKS AND RECREATION, DEPARTMENT OF PUBLIC WORKS, AND DEPARTMENT OF WATER SUPPLY; TOTAL OPERATING APPROPRIATIONS; AND TOTAL APPROPRIATIONS (OPERATING AND CAPITAL IMPROVEMENT PROJECTS)" along with the "CERTIFICATION OF ADDITIONAL REVENUES FOR FISCAL YEAR 2015".

The recommended action is that County Communication No. 15-88 be referred to the Budget and Finance Committee.

NO. 15-89 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated March 3, 2015)

Transmitting the Full Cost Allocation Plan as of February 26, 2014 and the OMB A-87 Compliant Cost Allocation Plan as of March 31, 2014, prepared by Matrix Consulting Group.

The recommended action is that County Communication No. 15-89 be referred to the Budget and Finance Committee.

NO. 15-90 - MIKE WHITE, COUNCIL CHAIR,
(dated March 13, 2015)

Transmitting a proposed resolution entitled "AUTHORIZING THE EMPLOYMENT OF SPECIAL COUNSEL TO ADVISE AND REPRESENT THE COUNCIL FOR THE 2015-2017 TERM".

The recommended action is that County Communication No. 15-90 be referred to the Budget and Finance Committee.

NO. 15-91 - KA'ALA BUENCONSEJO, DIRECTOR OF PARKS AND RECREATION, (dated February 24, 2015)

Transmitting a proposed resolution entitled "AUTHORIZING THE GRANT OF A LEASE OF COUNTY REAL PROPERTY CONSISTING OF TAX MAP KEY NUMBERS (2) 2-5-005:017 (POR.) AND (2) 2-6-001:001 (POR.), PAIA, MAUI, HAWAII, TO PAIA YOUTH COUNCIL, INC., PURSUANT TO CHAPTERS 3.36 AND 3.40, MAUI COUNTY CODE".

The recommended action is that County Communication No. 15-91 be referred to the Economic Development, Energy, Agriculture, and Recreation Committee.

NO. 15-92 - KA'ALA BUENCONSEJO, DIRECTOR OF PARKS AND RECREATION, (dated February 25, 2015)

Transmitting a proposed resolution entitled "AUTHORIZING A GRANT OF A LEASE OF COUNTY RECREATIONAL SPACE TO LAE'ULA O KAI".

The recommended action is that County Communication No. 15-92 be referred to the Economic Development, Energy, Agriculture, and Recreation Committee.

NO. 15-93 - JO-ANN T. RIDAO, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated March 5, 2015)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.96, MAUI COUNTY CODE, RELATING TO THE RESIDENTIAL WORKFORCE HOUSING POLICY CREDITS AND FORECLOSURES".

The recommended action is that County Communication No. 15-93 be referred to the Housing, Human Services, and Transportation Committee.

NO. 15-94 - JO-ANN T. RIDAO, DIRECTOR OF HOUSING AND HUMAN CONCERNS, (dated February 27, 2015)

Transmitting a proposed resolution entitled "APPROVING A VARIATION FROM THE APPROVED PLANS AND SPECIFICATIONS FOR THE WAIKAPU GARDENS PHASE II 201H PROJECT IN RELATION TO THE REQUIRED WAIKO ROAD IMPROVEMENTS".

The recommended action is that County Communication No. 15-94 be referred to the Committee of the Whole.

VICE-CHAIR GUZMAN: Thank you, Mr. Clerk.

Members, are there any objections to the referrals as read by the Clerk?

MEMBERS VOICED NO OBJECTION.

VICE-CHAIR GUZMAN: Thank you.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, there is no further business before the Council.

VICE-CHAIR GUZMAN: Thank you, Members.

DIRECTOR OF COUNCIL SERVICES DAVID RAATZ: Mr. Chair.

VICE-CHAIR GUZMAN: Oh yes, Mr. Raatz.

DIRECTOR OF COUNCIL SERVICES: Thank you, Mr. Chair. David Raatz with the Council staff. Staff would just like to note for the record, staff's understanding the three committee reports from the Policy and Intergovernmental Affairs Committee 15-24, 15-25, and 15-26, were not disposed of today. So, it's staff's understanding that those items will be deemed to be deferred and be eligible for rescheduling at a future Council meeting.

VICE-CHAIR GUZMAN: That is correct. This, those items shall be handled at a special council meeting.

COUNCILMEMBER BAISA: Mr. Chair.

VICE-CHAIR GUZMAN: Ms. Baisa.

COUNCILMEMBER BAISA: Will it be necessary, Mr. Raatz, that we have a date certain or just whenever?

DIRECTOR OF COUNCIL SERVICES: Thank you, Mr. Chair. I don't believe that's necessary when, when no action is taken on a matter. Typically the default is deferral, with the Council Chair having the authority to decide when and if to reschedule the matters.

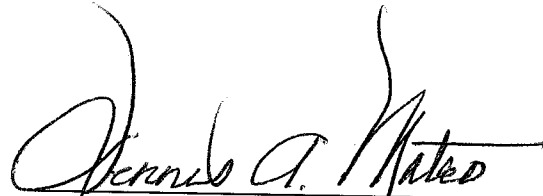
COUNCILMEMBER BAISA: Thank you.

VICE-CHAIR GUZMAN: Thank you. And, that, that would get back to Mr. Carroll's point that it's very difficult to pass things at a six Member Council. So, it is legitimate basis to have a special council meeting while all Members are present. So, that is the procedure at this point.

So, that being said, Members, thank you very much for today's meeting. And, have a safe weekend and happy weekend. Thank you very much and the meeting shall be adjourned.

ADJOURNMENT

The regular meeting of March 20, 2015 was adjourned by the Chair at 11:10 a.m.

A handwritten signature in black ink, appearing to read "Dennis A. Mateo", written over a horizontal line.

DENNIS A. MATEO, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII